



Legislation Text

File #: Res 1677-2017, **Version:** A

Res. No. 1677-A

Resolution calling on Congress and the President to oppose H.R.38, known as the “Concealed Carry Reciprocity Act of 2017,” and related bill S. 446 known as the “Constitutional Concealed Carry Reciprocity Act of 2017” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

By The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Menchaca, Kallos and Williams

Whereas, A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business; and

Whereas, Both New York State and New York City have instituted stringent procedures governing the lawful possession and carrying of a handgun; and

Whereas, In New York State, in order to purchase a handgun an individual must first obtain a license to carry or possess a handgun; and

Whereas, The application process entails meeting strict eligibility requirements and a finding of there being no good cause to deny the license, including: (i) the person is of good moral character, (ii) older than 21 years old, (iii) never convicted of a felony, or serious offense, (iv) not a fugitive from justice, (v) not an unlawful or addicted user of any controlled substance, (vi) not an undocumented immigrant or admitted under a nonimmigrant visa, (vii) has not been dishonorably discharged from the Armed Forces, (viii) has not renounced his or her United States citizenship, (ix) stating if he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness, and (x) having had a license revoked, suspended, or declared ineligible under state law, (xi) had a legal guardian appointed due to mental

incapacity or lacks the mental capacity to manage his or her own affairs; and

Whereas, New York State has given the New York City Police Commissioner the authority to grant and issue licenses to carry firearms in New York City; and

Whereas, The Licensing Division of the New York City Police Department (“NYPD”) rigorously screens each applicant prior to granting a license; and

Whereas, The NYPD’s Licensing Division requires an in-person interview, tax returns, and performs a thorough background check which includes the inspection of sealed criminal records; and

Whereas, Applicants can be denied because they have a history of driving under the influence of alcohol, have unpaid traffic tickets, or simply because they were uncooperative during the application process; and

Whereas, New York City does not recognize out-of-city permits; and

Whereas, A New York State permit is valid throughout the State except in New York City where such individual needs to obtain a special permit to validate such permit from the NYPD; and

Whereas, Although New York State and City possess these safeguards, there is a bill pending in Congress that would undermine New York's efforts; and

Whereas, Representative Richard Hudson introduced H.R.38, known as the “Concealed Carry Reciprocity Act of 2017”; and

Whereas, Senator John Cornyn introduced S.446, known as the “Constitutional Concealed Carry Reciprocity Act of 2017”; and

Whereas, H.R.38/S.446 would amend the United States Code to authorize an individual who is not prohibited from possessing, transporting, shipping, or receiving a firearm under federal law, who is carrying a valid identification document containing a photograph of the person, and who is carrying a valid license or

permit which is issued pursuant to the law of the State and which permits the person to carry a concealed firearm or is entitled to carry a concealed firearm in the State in which the person resides, to possess or carry a concealed handgun in any State and be exempt from the federal prohibition on possessing a firearm in a school zone, and to carry or possess a concealed handgun on federally owned lands that are open to the public; and

Whereas, H.R.38/S.446 would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less stringent licensing standards; and

Whereas, H.R.38/S.446 would therefore undermine the strict New York State and City licensing standards and create a loophole for those seeking to carry conceal handguns; and

Whereas, H.R.38/S.446 would allow concealed carry permit holders from outside New York State and City to freely carry their loaded handguns in crowded tourist destinations and bustling business areas; and

Whereas, H.R.38/S.446 would allow states with the weakest gun laws to dictate who may carry a handgun in New York State and City; and

Whereas, If H.R.38/S.446 were enacted, the law would create serious and potentially life-threatening situations for law enforcement officers and make it difficult for an officer to verify the validity of such permits and distinguish legal from illegal handgun possession; and

Whereas, Each state and local municipality should be able to determine for itself who may carry a concealed handgun within its borders; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress and the President to oppose H.R.38, known as the “Concealed Carry Reciprocity Act of 2017,” and related bill S. 446 known as the “Constitutional Concealed Carry Reciprocity Act of 2017” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

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DA